

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-15153-2021

Date of decision:22.09.2022

Sachin @ Sachin Kumar

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Anil Kumar Spehia, Advocate for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

Mr. A.S. Prajapati, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.72 dated 27.04.2017 under Sections 354-A and 506 of IPC, 1860, and Section 67 of Information Technology Act, 2000, registered at Police Station Division No.3, District Police Commissionerate Jalandhar, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise *deed* dated 23.03.2021, Annexure P-2.

Counsel for the petitioner submits that FIR, Annexure P-1, has been lodged by complainant/respondent No.2 on the allegation that her brother-in-law, Sachin (present petitioner), who had strained relations with complainant's sister has been sending her objectionable messages and pornographic material. It has been alleged that the petitioner wanted to marry her. Counsel submits that the allegations levelled in the FIR, are false as there was a matrimonial dispute between Nisha @ Jasmin-

petitioner's sister and accused-Sachin. He submits that the dispute between the parties has been settled by compromise, Annexure P-2, and the parties have recorded their statements in support of the compromise.

Upon instructions from ASI Mukhtiar Singh, State counsel submits that on conclusion of investigation, *challan* has been presented, charge has been framed, but no prosecution witness has been examined.

Counsel for the complainant/respondent No.2 has admitted the factum of compromise and supports the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 08.09.2021, this Court directed the parties to appear before the Trial Court for recording their statements and a report was called for regarding the genuineness of the compromise and also whether the P.O. Proceedings are pending against any of the parties.

Report has been received and its relevant extract is reproduced as under:-

“The petitioner/accused Sachin @ Sachin Kumar accompanied with his counsel Shri Rohit Dogra, suffered statement that he has compromised the matter with respondent no.2/complainant Bharti, present in the court, as per written compromise dated 23.03.2021 Annexure-1 (original thereof has already submitted before the Hon' ble High Court), with the intervention of respectable (s), voluntarily, without any threat, coercion or pressure from any corner.

After hearing and admitting the above-mentioned statement of petitioner/accused, the complainant/respondent No.2 namely, Bharti daughter of late Shri Parveen Kumar, accompanied with her counsel Shri Rajesh Sharma, Advocate got recorded her similar statement. She has no objection, if above-said FIR no.72 dated 27.04.2017 is quashed by the Hon'ble High Court.

In view of the statement of

Investigation officer ASI Ram Singh, No.627 no PO proceedings are pending against any of the party.

From the statements made by both the parties it is evident that they have compromised the matter voluntarily, without any threat, coercion or pressure from any corner.”

It is evident from the above that FIR, Annexure P-1, is an outcome of a dispute, which is entirely personal in nature and seems to have been lodged out of vengeance against the accused-petitioner as his relationship with the petitioner's sister was strained. Considering the fact that the matter has been amicably settled and the parties have decided to bury the hatchet, this Court has no hesitation in quashing the criminal proceedings. In view of the above facts, report of the trial court and judgments of the Supreme Court in *Narinder Singh Versus State of Punjab (2014) 6 SCC 466* and *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641*, criminal proceedings are liable to be set aside.

Accordingly, petition is allowed. FIR No.72 dated 27.04.2017 under Sections 354-A and 506 of IPC, 1860, and Section 67 of Information Technology Act, 2000, registered at Police Station Division No.3, District Police Commissionerate Jalandhar, Annexure P-1, and all subsequent proceedings arising therefrom, are quashed qua the petitioner.

22.09.2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No